

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HORTON HOMES, INC.

PLAINTIFF

VS.

2:07-cv-506-MEF

LARUE BANDY, ET. AL.,

DEFENDANTS

**MOTION TO SHORTEN TIME**

\_\_\_\_\_ Come now the Defendants herein, who jointly move this Honorable Court for the entry of an Order shortening the time within which Plaintiff is to respond to the continuing request for production of documents served on or about May 30, 2008. In support of this motion, your Defendants say as follows:

1. As a result of depositions taken of certain of Plaintiff's witnesses on May 20 and 21, 2008, requests for production of documents were served on Plaintiff on or about May 30, 2008. With the discovery deadline approaching, additional depositions need to be taken to prepare this matter for trial, and the documents that are being requested are necessary for those depositions. Allowing Plaintiff to take the full thirty (30) days to respond to the discovery will impede Defendants' ability to prepare for the upcoming depositions and conclude the necessary

discovery in advance of the present discovery cutoff imposed by the Court's  
Scheduling Order.

WHEREFORE, your Defendants respectfully pray that this Court will enter an order  
shortening the amount of time Plaintiff has to respond to the requests for production of  
documents so that the response would be due on or before June 16, 2008. Your Defendants also  
prays for such other, further and different relief as may be just and appropriate.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 5th day of June, 2008, filed the above document  
electronically with the CM/ECF E-Filing System in Federal District Court. The below counsel  
will receive a copy from the system via e-mail if registered in the system. If not, I certify that I  
have placed a copy of the same in the U.S. Mail this day to Sydney F. Frazier, Jr., Esquire, 2001

Park Place North, Suite 700, Birmingham, Alabama 35203 and James L. Paul, Esquire, and  
Thomas C. Grant, Esquire, 191 Peachtree Street, N.E., 34<sup>th</sup> Floor, Atlanta, Georgia 30393.

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/s/ Michael S. Harper  
OF COUNSEL